

Remarks

Claims 1-17 were present in the application. Claim 5, 10 and 16-17 have been amended. Claim 11 has been canceled. No new claims have been added. Thus claims 1-10 and 12-17 remain subject to continued examination. Each of these claims is believed to in condition for allowance. Accordingly, an action to the effect is requested at this time.

Claim Objections:

Claim 17 was objected for improperly depending from claim 18 where there is no claim 18. The Applicant has amended claim 17 for it to depend from claim 16.

The Applicant also has noted that claim 5 was improperly ended with semicolon “;”. Claim 5 is amended to end with a period “.”.

Objections to Drawings:

The drawings were objected because the character 17 in Fig. 1 was not mentioned in the description. The Applicant has amended paragraph 1 of page #2 of the specification to include a reference to character 17. No new matter has been added. Accordingly, the Applicant respectfully submits that all the outstanding objections be withdrawn.

Claim Rejections – 35 USC §102:

Claims 1-2, 4, 7, 16-17 were rejected as being anticipated by Greiner (USPN 6676181) under 35 USC 102 (e). Claim 16 is amended to make clear that clip members are substantially cylindrical in shape. Greiner teaches a spatula for lifting a food item from a conventional grill. Greiner did not teach or disclose the “substantially cylindrical clip member” as described in this application (page 4, line 8). Greiner did not disclose

or teach an arc-shape blade (14) greater than a half circle in cross-section, expressly or inherently. As a matter of fact, an arc-shape blade in Rood with a cross-section greater than a half circle would prevent the blade from being easily lifted off a conventional grill and thus renders the spatula inoperable for the intended purpose of removing a food item from a grill. Regarding claim 16-17, Greiner did not disclose the element of applying a pressure to force insertion of metal rods of a grill rack into corresponding clip members of the device. "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior reference."

Verdigoal Bros. v. Union Oil Co. of California, 814 F2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). Greiner did not disclose each and every element in claims 1-2, 4, 7, 16-17. Accordingly, the Applicant respectfully request that the rejections be withdrawn.

Claims 1-2, 4, 8, 10-12, 16-17 were rejected as being anticipated by Rood (USPN 5255406) under 35 USC 102 (b). Claim 16 and 10 have been amended to make clear that clip members are substantially cylindrical in shape. Claim 11 has been canceled without prejudice. Rood appears to teach a grill scraper with plurality of individual scraper tooth units. The individual scraper tooth units in Rood "comprise a generally rigid scraper tooth member" (column 2, line 44). Rood did not disclose "substantially cylindrical clip members" or "elastically deflectable wall members" of claims 1-2, 4, 8, 10, 12 and 16-17 of this application. Regarding claims 16-17, Rood did not disclose the action of applying a pressure to force insertion of metal rods in a grill rack into a plurality of clip members. Accordingly, the Applicant respectfully requeststhat the rejections be withdrawn.

Claim Rejections – 35 USC §103:

Claim 3 was rejected under 35 USC 103 (a) as being unpatentable over Greiner in view of Gessert (USPN 6023810). To establish a *prima facie* case of obviousness, "the prior reference (or references when combined) must teach or suggest all the claim limitations." (MPEP section 2143) Greiner and Gessert failed to teach or suggest "substantially cylindrical clip members" in claim 3 of the application. Secondly, Greiner teaches a spatula for lifting a food item from a conventional grill. Without a handle, such

spatula would not be operable for its intended purpose, i.e., lifting food items off a hot conventional grill. Therefore, there was no motivation at the time the invention was made for an ordinary skill in the art to modify Greiner's device with the detachable handle described by Gessert. Accordingly, the Applicant respectfully submits that a *prima facie* case of obviousness was not properly established by the Office Action, and the rejection should be withdrawn.

Claim 5-6 were rejected under 35 USC 103(a) as being unpatentable over Greiner or Rood. The Applicant submits that not all the claim limitations are taught or suggested by the prior art. In particular, Greiner failed to teach or suggest "substantially cylindrical clip members" as mentioned earlier in this response. Rood teaches "a generally rigid scraper tooth member" (column 2, line 44) which contradicts the "thin and elastically deflectable wall member" in Claim 5-6 of this application. Accordingly, the Applicant respectfully submits that a *prima facie* case of obviousness has not been properly established and the rejections should be withdrawn.

Claim 9 was rejected under 35 USC 103 (a) as being unpatentable over Rood in view of Amundsen (USPN 4214342). Neither Rood nor Amundsen teaches or suggests "substantially cylindrical clip members" or "thin and elastically deflectable wall members". The combination of Amundsen's spear with Rood's device thus does not meet all the claim limitations in claim 9 of this application. Accordingly, the Applicant respectfully submits that the rejection should be withdrawn.

Claim 13 was rejected under 35 USC 103 (a) as being unpatentable over Rood. The Office Action appears to have ignored that Rood does not teach or suggest "substantially cylindrical clip members" or "thin and elastically deflectable wall members". In contrast, Rood teaches "a generally rigid scraper tooth member" (column 2, line 44). The prior art thus doesn't teach or suggest all the claim limitations. Accordingly, the Applicant respectfully submits that a *prima facie* case of obviousness has not been properly established and the rejection should be withdrawn.

Claim 14 was rejected under 35 USC 103(a) as being unpatentable over Rood as applied to claim 13. Rejection to claim 13 under 35 USC 103(a) is traversed. Again, the applicant respectfully submits that the prior art failed to teach or suggest all the claim limitation as described in the previous paragraph. Accordingly, the Applicant requests that the rejection be withdrawn.

Claim 15 was rejected under 35 USC 103(a) as being unpatentable over Rood as applied to claim 13 in view of Gessert. Rejection to claim 13 under 35 USC 103(a) is traversed. Gessert appears to teach "a grill cleaning apparatus including a body for detachably retaining a scouring pad"(Abstract). Furthermore, "the body is provided with a 'grasp' that may be grabbed by one or both hands to manipulate the body ..." (Abstract). There is no teaching or suggestion of such "grasp" on the main body of Rood's device. Lack of a stable "quadrilateral body" of a scouring pad with a "grasp", Rood's device can not be effectively used without a handle. There is thus no recognizable desirability or advantage of including a "grasp" on Rood's device, or using Rood's device without a handle. Accordingly, there was no motivation for an ordinary skill in the art to modify Rood's device with the detachable handle of Gessert at the time the Applicant's invention was made. The Applicant respectfully submits that the rejection should be withdrawn.

In summary, the Applicant respectfully requests that all the remaining claims be passed to issue. While an attempt has been made to address all outstanding issues, to any extent that one or more issues remain, the undersigned respectfully request a telephone conference to resolve such issues.

Respectfully submitted,

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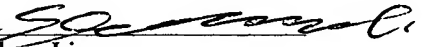


Shulong Li
Patent Agent
Registration # 51,944
Telephone: (864) 576-9305



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Shulong Li